

REMARKS

Claim Rejections

Claims 1-7 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. Claims 1-7 stand further rejected under 35 U.S.C. § 103(a) as being rendered obvious by Baker et al. (4,764,302), Honsa (5,174,927) or Halas (4,970,029). Claims 1 and 2-7 stand rejected under 35 U.S.C. § 103(a) as being rendered obvious by Townsend (4,249,412) taken in view of any of the aforementioned references to Baker et al., Honsa or Halas.

Claims

By this Amendment, Applicant has amended claim 1 to include the language of canceled claims 2 and 3, and has added new claims 8-11. The amendment to claim 1 is believed to obviate the outstanding rejection of Applicant's original claims 1-7 under 35 U.S.C. § 112, second paragraph.

The amendment of claim 1 to include the language of canceled claim 2 is also believed to obviate the outstanding rejection of Applicant's original claims 1 and 3-7 as being rendered obvious by Townsend, taken in view of Baker, Honsa or Halas, as noted on page 4 of the outstanding Office Action. This combination of references was not applied against Applicant's original claim 2.

Applicant's amended claim 1 as well as new claims 8-11 specifically state that the glycerin is added to prevent the surface active agent from forming a gel, as noted in Applicant's specification, on page 3, lines 8 et seq. Dependent claims 4 and 9 also add a viscosity index improver to increase the viscosity of the bubble solution to thereby improved its bubble forming rate, as noted in Applicant's specification on page 4, lines 7 et seq. It is submitted that the claims remaining in this patent application define subject matter that is patentably distinguishable over the cited prior art.

The primary reference to Baker et al. discloses a thickening system for incorporating fluorescent whitening agents in laundry detergent products. Clearly, a thickening agent runs completely contrary to the specific requirements of Applicant's invention, that of increasing the viscosity of the liquid bubble solution by the addition of glycerin to prevent the surface active agent from forming a gel, thereby increasing the bubble formation rate. It is submitted that the teachings of Baker et al. run contrary to the specific requirements of Applicant's invention and, therefore, it would not be obvious to one having ordinary skill in the art to modify Baker et al. to arrive at Applicant's invention.

It is also noted that the references to Halas and Honsa are directed toward liquid detergent solutions and do not disclose, or intimate in any fashion whatsoever, a liquid bubble solution as in Applicant's claims. Applicant submits that the requirements or the objectives of Halas and Honsa are, therefore, inherently different than the objectives of Applicant's invention. Indeed, on page 3 of the outstanding Office Action, the Examiner admits that Baker et al., Honsa and Halas do not have direct teachings that accurately comprise all of Applicant's claimed components.

Applicant respectfully submits that it would not be obvious to one having ordinary skill in the art to modify the specific teachings of references that are specifically directed toward a laundry detergent to include the elements of Applicant's solution which is specifically directed for producing bubbles for entertainment of amusement purposes. It is submitted that the only motivation for modifying Baker et al., Honsa or Halas arises out of Applicant's disclosure. Clearly, the use of Applicant's disclosure as a basis for modification of a cited prior art reference is beyond the acceptable purview of 35 U.S.C. § 103. The Court of Appeals for the Federal Circuit Court has held, in In re Fritch, 23 USPQ2d, 1780 (Fed.Cir. 1992), at page 1783 that:

The mere fact that the prior art may be modified in the manner suggested by the examiner does not make the modification obvious unless the prior art suggested the desirability of the modification.

Applicant submits that none of Baker et al., Honsa or Halas even remotely suggest a modification of their specific teachings, which would lead one having ordinary skill in the art to arrive at Applicant's claimed invention. The outstanding rejection of Applicant's claims based upon the aforementioned references is respectfully traversed.

Version With Markings To Show Changes Made

Attached hereto is a marked-up version of the changes made to the application by the current amendment. The attached document is captioned VERSION WITH MARKINGS TO SHOW CHANGES MADE.

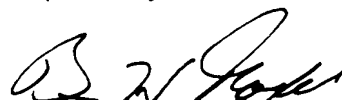
Summary

In view of the foregoing amendments and remarks, Applicant submits that this application is now in condition for allowance and such action is respectfully requested. Should any points remain in issue, which the Examiner feels could best be resolved by either a personal or a telephone interview, it is urged that Applicant's local attorney be contacted at the exchange listed below.

Respectfully submitted,

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By: _____


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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

Claims 2 and 3 have been canceled.

Claim 1 has been amended, and new claims 8-11 have been added as follows:

5 --1. (Amended) A liquid bubble solution for producing bubbles that provide illumination when viewed in the dark and under an external source of invisible ultraviolet or infrared radiation, the liquid bubble solution comprising by volume: 67%-89% water, 8%-25% surface active agent, 2% glycerin to prevent the surface active agent from forming a gel, and 1%-6% fluorescent brightening agent, wherein said fluorescent brightening agent is a liquid of light brown color obtained from Diamino-Stilbene Disulphonic Acid Derivatives, the liquid bubble solution having a transparent to semitransparent color.

4. The liquid bubble solution of claim 1 further comprising 0.2%-0.8% viscosity index improver.

5. The liquid bubble solution of claim 1 further comprising a color dye.

6. The liquid bubble solution of claim 5 wherein said color dye is a liquid dye.

7. The liquid bubble solution of claim 5 wherein said color dye is added to said liquid bubble solution at the ratio of 5%-20% dye with 80%-95% liquid bubble solution.

VERSION WITH MARKINGS TO SHOW CHANGES MADE

8. (New) A liquid bubble solution for producing bubbles that provide illumination when viewed in the dark and under an external source of invisible ultraviolet or infrared radiation, the liquid bubble solution comprising: water, surface active agent, glycerin to prevent the surface active agent from forming a gel, and a
5 fluorescent brightening agent obtained from Diamino-Stilbene Disulphonic Acid Derivatives, the fluorescent brightening agent having the following properties:
- a) a specific gravity of between 1.1 and 1.25 under 20°C;
 - b) a Ph of between 7 and 9 under 20°C;
 - c) a freezing point of approximately 4°C; and
 - 10 d) a boiling point of approximately 103°C.
9. (New) The liquid bubble solution of claim 8 further comprising a viscosity index improver to increase a viscosity of the bubble solution, thereby improving a bubble formation rate.
10. (New) The liquid bubble solution of claim 8 further comprising a color dye.
11. (New) The liquid bubble solution of claim 10 wherein the color dye is a liquid pigment dye.--